

REGULAR MEETING of the Town Council held on Wednesday, February 8, 2006 at 7:05 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

MEMBERS ABSENT: None

1. Council President Wallace F. Lees led those present in pledging allegiance to the flag.

2. VOTED to continue the question of acceptance of the minutes of the regular meeting held January 25, 2006, the public hearing held January 25, 2006 and the special meeting held January 23, 2006.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

Councilor Jacqueline Zahn commended Christine Mulligan of the town clerk's office for customer service above and beyond expectations in assisting with genealogical research.

Councilor Jacqueline Zahn announced that, through the efforts of Representative Edwin R. Pacheco and Gabrielle Abbate, BOSAP Coordinator, the Department of Elderly Affairs would attend the Senior Citizens' Association meeting on March 6, 2006 to assist with RIPAE and Medicare D applications.

Councilor Nancy F. Binns recognized the induction of the late Councilor Louis Bleiweis to the Newspaper Hall of Fame.

Michael C. Wood, Town Manager, congratulated Councilors William A. Andrews and Ronald E. Faford on their birthdays.

5. Petitions: None

6. Special Business:

06-031 VOTED to grant a Special Event Victualing license to St. Theresa's Church to apply at 35 Dion Drive, Assessor's Map 97, Lot

16, for various events to be held during 2006.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

7. Unfinished Business:

06-032 VOTED to open the applications from AJAR, Inc. d/b/a Western Hotel; Mama McGee's; and Mark Murphy, Inc. d/b/a/ Georges for permission to serve alcoholic beverages on a deck or patio.

NOTE: These applications were received at the special meeting of November 21, 2005 and continued to the regular meeting scheduled for February 8, 2006.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: Walter J. Kane, Town Solicitor, provided background related to these applications. Mr. Kane noted that the applicants had not provided documentation required by the ordinance and recommended that the licenses could not be granted.

VOTED to postpone indefinitely.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Jacqueline Zahn.

Discussion: There was discussion that the businesses could apply again at the time of license renewal. There was a consensus that it might be appropriate to allow businesses to apply at any time during the year. The matter would be reviewed by the ordinance subcommittee.

The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-033 VOTED to grant a Class B (Victualer) licenses and a victualing license to AJAR, Inc. d/b/a Western Hotel; a victualing license to Lucky Starz LLC d/b/a/ Victory Diner; and a Class B (Victualer) licenses and a victualing license Mama McGees.

NOTE: These applications were received at the special meeting of November 21, 2005 and continued to the regular meeting scheduled for February 8, 2006.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy

F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-242 VOTED to receive and file the correspondence from Robert Rocchio, P.E., State Traffic Commission, regarding the approval of the Town's request to adopt a 40 MPH speed limit on Sherman Farm Road from Route 96 to the Massachusetts State Line.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

05-375 & 05-394 VOTED to open discussion of a revised application and permit for road openings and excavation.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: Michael C. Wood, Town Manager, reviewed earlier

discussion by the Town Council. Mr. Wood indicated that the current ordinance provides for rules and regulations and that the revised application and permit addresses the Town Council's concerns. Walter J. Kane, Town Solicitor, recommended that the ordinance subcommittee review the section of the ordinance related to liability insurance requirements.

VOTED to adopt a revised application and permit for road openings and excavation.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-019 VOTED to approve the correspondence from Wallace F. Lees, President, Burrillville Town Council, regarding the scheduling of a workshop on March 8, 2006 at 5:30 P.M. relative to the Planning Board's recommendation for approval of revisions to the Burrillville Comprehensive Plan and Zoning Ordinance.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L.

Dudley, Ronald E. Faford and William E. Gonyea.

06-020 VOTED to approve the correspondence from Louise R. Phaneuf, Town Clerk, regarding the scheduling of a special meeting with the School Committee on Thursday, February 16, 2006.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-024 VOTED to refer to the ordinance subcommittee item #06-024 related to the Debt Reduction Ordinance.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-017 VOTED to open the correspondence from Dalen Favali, BHS Music Department and Richard J. Goudreau, BHS Band Boosters, regarding their request for C.I.P. funds to purchase band uniforms.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of

the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to receive and file.

Motion by Councilor William A. Andrews. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

8. New Business:

06-034 VOTED to open the correspondence from Councilor Nancy F. Binns regarding her request that the Town Council consider and act upon appropriating or designating a sum of money from any available source to purchase uniforms and equipment for the Burrillville High School Marching Band.

Motion by Councilor William E. Gonyea. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED that the Town Council authorize the purchase of high school band uniforms and equipment from the Town's capital improvement program using funds formerly assigned to the library in an amount not to exceed \$25,000.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Ronald E. Faford.

Discussion: Walter J. Kane, Town Solicitor, indicated that the Town Council was authorizing the expenditure but that the School Committee would request bids and purchase the uniforms and equipment. Kevin Blais of Tarkiln Road presented the Band Boosters with a donation.

The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-035 VOTED to open the correspondence from William J. Guertin regarding a drainage issue on East Avenue.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L.

Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: William J. Guertin of East Avenue described the drainage issue at his property, identified a possible solution and his efforts to attain state assistance. Mr. Guertin asked for approval for the Department of Public Works to correct the situation. Michael C. Wood, Town Manager, indicated that the Department could do the work and explained that there would be expenses to the Town. Councilor William A. Andrews indicated that it would be less expensive for the residents to hire a private contractor.

VOTED to receive and file.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-036 VOTED to open the correspondence from Richard A. Bernardo, P.E., Director of Public Works/Engineering, regarding application for a limited transfer station license at the Whipple Avenue Compost Facility.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of

the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED that the Town file the application and get a license for a limited transfer station.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: The Council discussed the possibility of delaying payment of the application fee until after the new fiscal year.

VOTED to pay the \$10,000 application fee from the unreserved, undesignated fund if need be.

Motion by Councilor Nancy F. Binns. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-037 VOTED to receive and file the correspondence from

Christopher Shafer, Rhode Island DEM, regarding the registration renewal for the leaf and yard waste composting facility.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-038 Correspondence from Thomas Kravitz, Planning and Economic Development coordinator, regarding the Town Zoning Map; for first reading and scheduling of a public hearing.

The proposed ordinance was read by title.

VOTED to schedule a public hearing for the second meeting in March.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-039 VOTED to open the correspondence from The Honorable Lincoln D. Chaffee, United States Senate, regarding requests for funding in the 2007 budget.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to ask for funding for the library and the senior center/community center project; and to send a letter to HUD.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-040 VOTED to open the correspondence from the Rhode Island Economic Development Corporation regarding funding through the RI Brownfields Cleanup Revolving Fund Loan Fund.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Discussion: Michael C. Wood, Town Manager, explained that these funds would be used for clean-up of the library site.

VOTED to accept the loan and authorize the Town Manager to sign.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-041 VOTED to open the correspondence from Jacqueline Zahn, Chair, Screening Subcommittee, regarding recommendations from the Screening Subcommittee.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to reappoint Amy Ricci to the Burrillville Extended Care Board of Directors for a three-year term to expire June 30, 2008.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy

F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to reappoint Michael E. Gingell to the Housing Authority for a five-year term to expire October 31, 2010.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to reappoint Russell Couture to the Board of Assessment Review for a three-year term to expire November 30, 2008.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to reappoint Paul MacDonald to the Personnel Board for a three-year term to expire March 31, 2009.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to reappoint Sandra Cooney as a second auxiliary member of the Zoning Board of Review for a one-year term to expire March 31, 2007.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to appoint Alan Gerew, currently an alternate of Recreation Commission, to the Recreation Commission to complete an unexpired three-year term to expire October 31, 2007.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to appoint Dana Ronci to the Library Fundraising Committee.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to appoint Edward Blanchard to the Narcotics Guidance Council for a three-year term to expire November 30, 2008.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

9. Town Clerk/Communication:

06-042 VOTED to receive and file the correspondence Robert A. Phillips, Deputy Director for Operations, U.S. Department of Justice, regarding the decision not to fund the COPS in Schools program for FY 2006.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of

the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-043 VOTED to receive and file the correspondence from Linnea Tuttle, Case Manager Supervisor, Tri-Town Community Action Agency, regarding the agency's workshop related to RIPAE held on January 17, 2006; and their intention to schedule another workshop related to Medicare Part D selections, with commendations to the clerk's office for coordination and assistance to Tri-Town.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

06-044 VOTED to receive and file the correspondence from Juan Mariscal, General Manager, Secretary-Treasurer of the RI Water Resources Board Corporate, to William J. Guertin, Assistant General Manager, Pascoag Utility District, regarding PUD's request for reimbursement in Phase III of the RI Public Drinking Water Protection Program.

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of

the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

10. Additional New Business:

06-045 VOTED to grant the request for Executive Session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law [42-46-5 (a)(5)] for discussion and considerations related to the acquisition, sale or exchange of real property; and [42-46-5 (a)(2)] for review and discussions relating to litigation matters and [42-46-5 (a)(2)] for discussions pertaining to Council 94 collective bargaining.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Note: There was a brief recess prior to convening in executive session.

The Council returned to open session at 8:45 P.M.

VOTED to seal the minutes of executive session, noting that three

votes had been taken.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to reopen discussion of item #06-041.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

VOTED to appoint Linda Rivet to the Board of Administration.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

11. VOTED to adjourn at 8:46 P.M.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

The meeting was taped. The tape is on file with the record of the meeting.

Louise R. Phaneuf, Town Clerk